



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,642	06/21/2001	Ivan N. Vukovic	CE08410R	6140

22917 7590 04/21/2004
MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG, IL 60196

EXAMINER

PEREZ, ANGELICA

ART UNIT	PAPER NUMBER
----------	--------------

2684

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,642

Applicant(s)

VUKOVIC ET AL.

Examiner

Angelica M. Perez

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-21 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Bender (Bender et al.; US patent No.: 6,366,779 B1).

Regarding claims 1, 8 and 15, Bender teaches of in a broadband communication system, a method, apparatus and device for allocating a communication resource that comprises a communication channel (column 4, lines 14-18), the method comprising steps of: receiving a communication resource access request at a time that data received via the communication channel is currently being demodulated (column 10, lines 3-16; where it is inherent demodulation is occurring when the channel is being used by the mobile station while the base station is receiving the information; e.g., the

"access probe"); and in response to receiving the communication resource access request, transmitting a grant of access to the communication channel (column 10, lines 28-33; where the "grant of access" is completed by the transmission of the channel assignment messages).

Regarding claim 2, 9, and 16, Bender teaches all the limitations of claim 1. In addition, Bender teaches where the access grant is transmitted prior to completion of the demodulation of the data (column 10, lines 25-33; where a "first traffic channel assignment" is assigned if the actual channel assignment exceeds the "access probe tail"; therefore, the channel assignment is granted before all the data is demodulated).

Regarding claim 3, 10 and 17, Bender teaches all the limitations of claim 1. Bender further teaches where the step of transmitting a grant of access to the communication channel comprises steps of: determining a time that a demodulator will be available; determining a time that a grant of access to the communication channel can be transmitted based on the time that the demodulator will be available (column 13, lines 1-5; where the "probe tail" of the request period demodulation marks a period of availability of the demodulators); and transmitting an access grant based on the received request and on the determined time that the grant of access to the communication channel can be transmitted (column 13, lines 6-15; where the base station "advertises" the probe tail period indicating the availability of the demodulator; therefore, the "grant of access" can be transmitted).

Regarding claim 4, 11 and 18, Bender teaches all the limitations of claim 3. Bender further teaches where the step of transmitting a grant of access to the

communication channel further comprises a step of determining a time that the demodulator will finish demodulating the received message (column 13, lines 1-5; where the "probe tail" of the request period demodulation marks a time when the "grant of access" can be transmitted).

Regarding claim 5, 12 and 19, Bender teaches all the limitations of claim 3. Bender further teaches where the step of transmitting a grant of access to the communication channel further comprises a step of determining a time interval between the time that the demodulator will be available and the time that an access grant can be transmitted (column 13, lines 1-15; where the time comprises the period it takes for the acknowledgment to reach the mobile station).

Regarding claim 6, 14 and 20, Bender teaches all the limitations of claim. Bender further teaches where the communication resource access request is a preamble (lines 8-9 of the abstract).

Regarding claim 7, 13 and 21, Bender teaches all the limitations of claim 1. Bender further teaches where the access grant is an acknowledgment (column 3, lines 38-49; where the "channel assignment" is confirmed by an acknowledgment).

Art Unit: 2684

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached on 7:15 a.m. - 3:55 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.


NAY MAUNG
SUPERVISORY PATENT EXAMINER

Angelica Perez
(Examiner)

Nay A. Maung
(SPE)

Art Unit 2684

April 7, 2004